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Letter dated 4 August 2005 from the Permanent Representative of Malta to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

I would like to convey the reactions of my capital to the comments in your letter dated 18 July 2005 regarding additional information being sought by the Security Council Committee established pursuant to Security Council resolution 1540 (2004).

It is not clear whether the Committee requires an update on new legislation that has entered into force since the submission of my Government's report in October 2004, or whether the Committee requires further information or clarifications on the areas indicated in your letter.

If it is the latter case, it is our view that sufficient information has already been submitted in the national report. In that regard, Malta would like to reiterate that relevant legislation and regulations are in place for the provision of measures to prohibit the manufacture, development and transfer of biological, radiological and nuclear weapons. For example, the Chemical Weapons Convention legislation provides for that, as do the Nuclear Safety and Radiation Protection Regulations, the Dual-Use Items (Export Control) Regulations and the Military Equipment (Export Control) Regulations, all of which carry heavy penalties (fines and imprisonment) for failure to comply with these laws and regulations. The National Radiological Protection Board acts as the national regulatory authority to implement the provisos of the Nuclear Safety and Radiation Protection Regulations. One of the main roles of the National Radiological Protection Board is to issue authorizations regarding the import and export of nuclear material and nuclear material transiting through Maltese territory. All pertinent information is contained in the national report, which is also entirely in keeping with European Union legislation.

If the Committee requires an update on new legislation, kindly note that since the submission of the report of Malta in October 2004, there have been no developments concerning new or additional legislation on export control or to prohibit non-State actors from manufacturing or acquiring such weapons. Legislation on these areas was clearly mentioned in parts of the national report, and is also included in the matrix provided by the Committee.

However, as supplementary information, we would like to point out that since April 2005, Malta has been a participating State of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. It is

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also a participating State of the Australia Group and of the Nuclear Supplies Group. The Additional Protocol to the Agreement between Malta and the International Atomic Energy Agency (IAEA) for the application of safeguards regarding the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/387) entered into force in Malta on 12 July 2005. It would be appreciated if these two significant developments were referred to the Committee.

Finally, I would like to confirm that the Ministry of Foreign Affairs of Malta has no objection to inclusion in the matrix of the additional information on Malta identified by the Committee in the official public data provided by Malta to IAEA.

(*Signed*) Victor **Camilleri**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative